

CRITICAL RESOURCE WATER DESIGNATION
AND
IDENTIFICATION OF ENDANGERED SPECIES WATERS
TULSA DISTRICT
FEBRUARY 2004

This document contains two parts. Part I identifies the specific waterbodies that the District Engineer of the U.S. Army Corps of Engineers, Tulsa District, has designated as CRWs subject to Nationwide Permit (NWP) General Condition (GC) 25. Part II identifies waterbodies within the Tulsa District geographic area that provide habitat for threatened or endangered species. Portions of these waters have been designated as Critical Habitat for one or more listed species. Critical Habitat waters are automatically designated as CRW. Project proponents are advised to coordinate project details with the Tulsa District Regulatory Branch regarding proposed construction activities in these waters subject to the authorities of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Definitions and Applicability

NWP GC 25: Critical Resource Waters include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding National resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the DE after notice and opportunity for public comment. The DE may also designate additional CRWs after notice and opportunity for comment.

a. Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, CRWs, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with GC 7. Further, such discharges may be authorized in designated critical habitat for Federally-listed threatened or endangered species if the activity complies with GC 11 and the U.S. Fish and Wildlife Service (USFWS) has concurred in a determination of compliance with this condition.

b. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with GC 13, for any activity proposed in the designated CRWs including wetlands adjacent to those waters. The DE may authorize activities under these NWPs only after he determines that the impacts to the CRWs will be no more than minimal.

Waters of the United States: The term *waters of the United States* includes all lakes, rivers, streams, tributary creeks (both intermittent and ephemeral creeks), natural ponds, impoundments of such waters, and wetlands adjacent to such waters (see 33 CFR 328.3).

Watershed: The term *watershed* describes an area of land that drains downslope to the lowest point. As applies to this designation, *entire watershed* includes all *waters of the United States* that drain to a listed body of water.

PART I
Critical Resource Water (CRW) Designation

The U.S. Army Corps of Engineers, Tulsa District, has designated the following waters as CRWs. The location and extent of these waters are shown in the enclosures (Encl 1 thru 6).

Waters designated Outstanding Resource Water (ORW) in Appendix A of the Oklahoma Water Quality Standards (OWQS) (July 12, 1999) and all waters located in watersheds of these ORWs		
Water Name	County	Location and CRW Extent
Flint Creek (<i>Scenic River</i>)	Adair County	Entire watershed
Sager Creek	Adair County	Entire watershed
Illinois River (<i>Scenic River</i>)	Adair, Cherokee, Delaware	Entire watershed upstream from confluence with Barren Fork River
Tahlequah Creek	Cherokee	Entire watershed
Ballard Creek	Adair	Entire watershed
Barren (Baron) Fork River (<i>Scenic River</i>)	Adair, Cherokee	Entire watershed upstream from confluence with Illinois River
Tyner Creek	Adair	Entire watershed
Dennison Hollow	Adair	Entire watershed
Peach eater Creek	Adair	Entire watershed
Scraper Hollow	Adair	Entire watershed
England Hollow	Adair	Entire watershed
Green Creek	Adair	Entire watershed
Shell Branch	Adair	Entire watershed
Evansville Creek	Adair	Entire watershed
Mountain Fork River (<i>Scenic River</i>)	Le Flore, McCurtain,	Entire watershed upstream of the 600-foot elevation (upstream of Broken Bow Reservoir)
Panther Creek	McCurtain	Entire watershed
Boktuklo Creek	McCurtain	Entire watershed
Blue Creek	McCurtain	Entire watershed
Big Eagle Creek	Le Flore, McCurtain,	Entire watershed
Little Eagle	Le Flore	Entire watershed
Cucumber Creek	Le Flore	Entire watershed
Beech (Beach) Creek	Le Flore, McCurtain	Entire watershed
Cow Creek	Le Flore, McCurtain	Entire watershed
Lee Creek (<i>Scenic River</i>)	Adair, Sequoyah	Entire watershed upstream of the 420-foot elevation
Webber Creek	Sequoyah	Entire watershed
Briar (Bear) Creek	Sequoyah	Entire watershed
Little Lee Creek (<i>Scenic River</i>)	Adair	Entire watershed
Jenkins Creek	Adair	Entire watershed
Waters designated High Quality Waters (HW) in Appendix A of the OWQS (July 12, 1999)		
Water Name	County	Location and CRW Extent
OWQS Water Quality Management Basin 1, Middle Arkansas River		
Lower Illinois River	Sequoyah	Mainstem from headwater of Robert S. Kerr Reservoir to Tenkiller Dam
Fourteen Mile Creek	Cherokee	Mainstem only
Spring Creek	Cherokee, Delaware, Mayes	Mainstem only

Little Spring Creek	Mayes	Mainstem only
Brush Creek	Delaware	Mainstem only
Beaty Creek	Delaware	Mainstem only
Honey Creek	Delaware	Mainstem only
Cave Springs Branch	Delaware	Mainstem only
Warren Branch	Ottawa	Mainstem only
OWQS Water Quality Management Basin 2, Lower Arkansas River		
Lee Creek	Sequoyah	Mainstem downstream from 420-foot elevation
Black Fork Creek	Le Flore	Mainstem upstream from Cedar Creek
Sallisaw Creek	Adair, Sequoyah	Mainstem upstream from U.S. Highway 64
OWQS Water Quality Management Basin 3, Upper Red River		
Pennington Creek	Johnston, Murray	Mainstem only
Guy Sandy Creek	Murray, Garvin	Mainstem only
Honey Creek	Murray	Mainstem only
Crater Creek	Comanche	Mainstem only
Panther Creek	Comanche	Mainstem only
West Cache Creek	Comanche	Mainstem upstream from Panther Creek
OWQS Water Quality Management Basin 4, Lower Red River		
Little River	McCurtain	Mainstem from the Arkansas State Line upstream to Pine Creek Dam
Mountain Fork River	McCurtain	Mainstem from U.S. Route 70 bridge upstream to Broken Bow Dam
Lukfata Creek	McCurtain	Mainstem only
Glover River	McCurtain	Mainstem only
Cedar Creek	McCurtain	Mainstem only
Carter Creek	McCurtain	Mainstem only
Pine Creek	McCurtain	Mainstem only
West Fork of Glover River	McCurtain	Mainstem only
Bluff Creek	McCurtain	Mainstem only
East Fork of Glover River	McCurtain	Mainstem only
Cypress Creek	McCurtain	Mainstem only
Little River	Le Flore, McCurtain, Pushmataha	Mainstem, upstream from and including Pine Creek Reservoir
Pine Creek	Choctaw, McCurtain	Mainstem only
Terrapin Creek	McCurtain, Pushmataha	Mainstem only
Houston Creek	Pushmataha	Mainstem only
Cloudy Creek	Pushmataha	Mainstem only
Jack Creek	Pushmataha	Mainstem only
Black Fork	Pushmataha	Mainstem only
Cedar Creek	Pushmataha	Mainstem above Kiamichi River
Blue River	Johnston, Pontotoc	Mainstem upstream from State Highway 48A Bridge (includes portion upstream of State Highway 7 bridge)
OWQS Water Quality Management Basin 7, Panhandle Region		
North Canadian (Beaver) River	Cimarron	Mainstem upstream from Texas State Line to New Mexico State Line
Cimarron River	Cimarron	Mainstem upstream from the Colorado State Line to the New Mexico State Line

PART II

Identification of Endangered Species Waters - Aquatic Resource of Concern

Numerous aquatic areas within the Tulsa District geographic area provide habitat for threatened or endangered species. Portions of these waters have been designated by the U.S. Fish and Wildlife Service (USFWS) as Critical Habitat for one or more listed species. By the terms of NWP GC 25, waters designated as Critical Habitat by the U.S. Fish and Wildlife Service are automatically granted status as CRW based on their designation as Critical Habitat for endangered species. Project proponents are advised to keep abreast of the status of endangered species and Critical Habitat designations. Information on endangered species and their habitat is available from the USFWS webpage: <http://ifw2es.fws.gov/EndangeredSpecies/>.

The latest information on Aquatic Resources of Concern in Oklahoma can be obtained from the USFWS webpage: <http://ifw2es.fws.gov/Oklahoma/spplist.htm>. The following information is current as of February 2004.

Existing Designations of Critical Habitat in the Tulsa District			
Water Name	County	Location and Extent of Critical Habitat	Species of Concern
Black Fork Creek	Pushmataha	Mainstem from its junction with Little River upstream to State Highway 144	Leopard Darter (<i>Percina pantherina</i>)
East Fork of Glover Creek (River)	McCurain	Mainstem from its junction with the West Fork Glover Creek (River) upstream to 4 air-miles north-northwest of the community of Bethel.	Leopard Darter
West Fork Glover Creek (River),	McCurain	Mainstem from its junction with the East Fork Glover River upstream to the community of Battiest	Leopard Darter
Glover Creek (River)	McCurain	Mainstem from State Highway 7 Bridge upstream to the junction of the East Fork and West Fork	Leopard Darter
Little River	Pushmataha	Mainstem from the mouth to Cloudy Creek upstream to the Pushmataha – Le Flore County Line	Leopard Darter
Little River	McCurain	Mainstem below Pine Creek Reservoir	Leopard Darter
Mountain Fork Creek (River)	McCurain	Mainstem from the mouth of Boktukola Creek upstream to the Oklahoma - Arkansas State Line	Leopard Darter
Salt Plains National Wildlife Refuge	Alfalfa	NWR lands around Great Salt Plains Lake	Whooping Crane (<i>Grus americana</i>)
Canadian River	Numerous counties	1) from Hanna OK upstream to Canadian TX; and 2) from Lake Meredith upstream to Logan Village NM ¹	Arkansas River Shiner (<i>Notropis girardi</i>)
North Canadian River	Beaver, Texas, Woodward	From Seiling OK upstream to Hardesty OK ¹	Arkansas River Shiner
Cimarron River	Beaver, Harper, Woods, Woodward	From Waynoka OK upstream to Kismet KS ¹	Arkansas River Shiner
Arkansas River	Contact Kansas City District, Kansas State Office – (316)322-8247	From Arkansas City KS vicinity upstream to Syracuse KS ¹	Arkansas River Shiner

Other waters which provide habitat for endangered or threatened species (not currently designated as Critical Habitat)			
Water Name	County	Location and Extent	Species of Concern
Kiamichi River	Pushmataha, Le Flore	Upstream from Hugo Reservoir	Ouachita Rock Pocketbook Mussel (<i>Arkansia wheeleri</i>)
Neosho (Grand) River	Craig, Ottawa	Upstream from Miami	Neosho madtom (<i>Noturus placidus</i>)
Red River	Numerous		Interior Least Tern (<i>Sterna antillarum</i>) American Alligator (<i>Alligator mississippiensis</i>)
Canadian River	Numerous		Interior Least Tern
North Canadian River	Numerous		Interior Least Tern
Cimarron River	Numerous		Interior Least Tern
Salt Fork Arkansas River	Numerous		Interior Least Tern
Arkansas River	Numerous		Interior Least Tern

¹ Critical Habitat for Arkansas River Shiner vacated per September 2003 Memorandum Opinion of Senior U. S. District Judge C. LeRoy Hansen, N.M. District Court. As a result USFWS must propose new Critical Habitat within one year.